

Wetlands Bureau Decision Report

Decisions Taken
02/28/2005 to 03/06/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1999-01080 NH DEPT OF TRANSPORTATION KEENE Ashuelot River

Requested Action:

Request for a time extension in accordance with rule Wt 502.01(a).

APPROVE TIME EXTENSION:

Dredge and fill 29.6 acres of vegetated wetlands, 2.2 acres of drainage ditches, and 12,800 sq. ft. of bank area to provide roadway improvements on Routes 9, 10, 12, and 101 in and around Keene and Swanzey. The improvements include upgrading the existing highway through the use of additional travel lanes, intersection improvements, and construction of new grade-separated interchanges at the end of the existing bypass and at the Winchester St/NH Route 10/12/101 intersection. The proposed improvements include modifications to the West St. interchange, north-south widening along Winchester St., widening and inclusion of additional turning lanes at the Main St./Route 12/101 intersection, construction of the Optical Ave. connector, safety and intersection improvements and construction of a multi-use trail. Compensation for impacts include creation of approximately 33.1 acres of wetlands, and preservation of an area north of Ash Swamp near mitigation areas 6 and 9 extending 700 feet south of Ash Swamp Brook as noted on plans labeled as Corridor Protection Area received on 1/12/00. NHDOT project #10309A.

With Conditions:

1. The wetland impacts associated with this approval are based on field delineated and surveyed wetland boundaries as listed by wetland type and function noted in the New Hampshire Routes 9, 10, 12, 101 Upgrade Keene-Swanzey Final Environmental Assessment/Section 4(f) Evaluation (hereinafter "FEA"), Tables 4.10.1.
2. During final design and construction work, wetland impacts that exceed 29.6 acres as represented in the plans provided in the DES Wetlands Bureau/Army Corps of Engineers permit application, Attachment A, shall require submittal of a permit amendment request to be reviewed by the DES Wetlands Bureau.
3. During final design of roadway construction plans, a joint review shall be held by state and federal agencies regarding proposed water quality treatment features such as grass swales or detention basins that may cause additional wetland impacts for construction to confirm need, location, and necessity for a permit amendment.
4. Final design plans for roadway construction shall be submitted to DES Wetlands Bureau and Conservation Commissions for each contract with a summary of wetland impacts for the associated contract work. Review and comments from DES and Conservation Commissions shall be considered by NHDOT and incorporated into the design where it is reasonably appropriate.
5. During final design, efforts to avoid or minimize surface water impacts shall continue by providing steep side slopes to minimize culvert lengths where fish passage is not an issue.
6. The DES Wetlands Bureau shall be notified in advance of pre-construction meetings at all of the proposed bridge crossing locations to coordinate attendance.
7. The proposed groundwater protection measures for treating runoff in the project area as described in the FEA, section 4.7.3 shall be adhered to for minimizing impacts.
8. The proposed management measures for stormwater treatment for streams in the project area as described in the FEA, section 4.8.5 shall be adhered to for minimizing contaminants from highway runoff.
9. The bridge carrying the Optical Avenue Connector alignment over the Branch River shall span the Branch River and floodplain with a new pier constructed on an island in the river.
10. Stream areas that support fish and that will be crossed shall be reviewed to provide adequate fish passage.
11. The NHDOT shall consider improving connectivity between mitigation sites to enhance and promote wildlife movement by reviewing culvert replacements and bridge designs that may accommodate wildlife.
12. Floodplain compensation will occur as described in the FEA, section 4.9.3 and during final design phase, monitoring wells will be installed to confirm groundwater elevations and wetland/floodplain mitigation plans will be revised where necessary.
13. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless otherwise specified.
14. Issuance of DES Wetlands Bureau permit is contingent on review of final erosion control plans for each phase that detail streamflow diversion during construction and temporary siltation/erosion control measures to be implemented.
15. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

16. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
17. Appropriate storm water management and erosion control Best Management Practices shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated.
18. Construction equipment shall not be located within surface waters.
19. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
20. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete or have been temporarily suspended, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 2:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners.
24. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
25. The NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
26. Standard precautions shall be taken not to import or transport soil or seed stock from nuisance, invading species such as purple loosestrife or phragmites.
27. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.
28. The proposed mitigation as detailed in the FEA, Section 4.10.9 shall be followed for compensating wetland impacts associated with the proposed project and the design shall be consistent with details represented in the plans provided in the DES Wetlands Bureau/Army Corps of Engineers permit application, Attachment A.
29. The NHDOT shall submit impact amounts with each corresponding phase and provide equivalent mitigation for the wetland and floodplain impacts. Modifications to the mitigation proposal shall be considered if through amendments filed during final design and construction work, project impacts exceed acres represented in the application.
30. The schedule for mitigation construction shall coincide with roadway construction and shall be submitted to the Wetlands Bureau for review.
31. The acreage of wetland creation, wetland preservation, and upland preservation for the selected sites shall be consistent with that described in the FEA, 4.10.9
32. The wetland mitigation plans including planting schedule for the wetland creation areas shall be submitted for review by the Wetlands Bureau and Keene Conservation Commission.
33. The mitigation design for area #28 shall incorporate the creation of vernal pools where possible.
34. Preliminary landscape plans for each phase of the project shall be submitted to the Keene Conservation Commission for review and comment. Landscape plans shall include plantings around detention basins, around wetland creation sites, and also along the multi-use trail.
35. Prior to commencement of wetland construction, the site work contractor shall clean the tracks or wheels of the machinery to remove any soils which may contain noxious plants such as common reed (*Phragmites* sp.) or purple loosestrife before entering the site.
36. During wetland mitigation construction, a qualified wetland scientist shall monitor the fill removal to ensure that proper elevations, hydrology and soils will develop in the areas as necessary for successful establishment of a wetland plant community.
37. The applicant or its environmental consultant shall notify the Wetlands Bureau for review of final grading at the wetland creation and enhancement sites prior to topsoil placement or wetlands planting.
38. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
39. Wetland creation and enhancement areas shall be monitored by a qualified environmental consultant for five years. Monitoring reports shall be submitted to the Wetlands Bureau and Conservation Commission during the five years, at the beginning and end of the growing season, and include photographs, a summary on vegetative success, water table information, and remedial measures if necessary to improve wetland establishment. Remedial action will be considered if there is inadequate vegetative cover, erosion problems, unsatisfactory hydrology, or unsuccessful functional implementation.

40. The NHDOT shall eradicate purple loosestrife by measures agreed upon by a joint state and federal agency review if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
41. The conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
42. Final conservation easement language shall be recorded at the Registry of Deeds Office and a copy submitted to the Wetlands Bureau.
43. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
44. The Wetlands Bureau shall be notified of subsequent transfers of the preservation lands and mitigation sites to another agency that has been retained for management purposes.

With Findings:

1. This project qualifies for a time extension for a five year period allowed under current Rule Wt 502.01.

2000-00717 BECKWITH, LESLIE & KATHLEEN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Applicant requests to retain an existing seasonal pier that was to be removed in original permit language.

Conservation Commission/Staff Comments:

The conservation commission has no objection.

APPROVE AMENDMENT:

Amend permit to read: Install a 6 ft x 40 ft seasonal pier and a 6 ft x 37 ft seasonal pier connected by a 6 ft by 11.9 ft seasonal walkway to the south of an existing 6 ft by 30 ft seasonal pier on 738 ft of shoreline frontage on Wolfeboro Neck, in Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc., dated December 27, 2004 as received by the Department on February 17, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. These shall be the only docking structures on this water frontage.
4. No portion of these docks may extend more than 40 ft from the full lake elevation.
5. Seasonal piers shall be removed from the lake for the non-boating season.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a docking facility providing at least 5 slips.
2. The applicant has an average of 738 feet of frontage along Lake Winnepesaukee.
4. A maximum of 10 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on August 16, 2004 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2004-01561 WENNBERG, JOHN AND CORALEA
HANOVER Connecticut River

Requested Action:

Restore 90 square feet along 30 linear feet of riverbank by removing illegally placed stone below the high water line. Impact 500 linear feet and 5900 square feet of riverbank along the Connecticut River in three phases for bank stabilization, further described as follows: Phase 2A, Install 100 linear feet of rip-rap along the shoreline, and establish a vegetated stone slope bank above the rip rap. Phase 4, Install vegetated stone slopes in 4 slumps (10 ft x 10 ft) and regrade 200 linear feet and establish a vegetated buffer along the existing riverbank. Phase 6, Install stone sloped bank in three slumps (10 ft x 10 ft) and regrade 200 linear feet and establish a vegetated buffer along the existing riverbank.

Conservation Commission/Staff Comments:

The Conservation Commission initially intervened on this project but did not comment.

APPROVE PERMIT:

Restore 90 square feet along 30 linear feet of riverbank by removing illegally placed stone below the high water line. Impact 500 linear feet and 5900 square feet of riverbank along the Connecticut River in three phases for bank stabilization, further described as follows: Phase 2A, Install 100 linear feet of rip-rap along the shoreline, and establish a vegetated stone slope bank above the rip rap. Phase 4, Install vegetated stone slopes in 4 slumps (10 ft x 10 ft) and regrade 200 linear feet and establish a vegetated buffer along the existing riverbank. Phase 6, Install stone sloped bank in three slumps (10 ft x 10 ft) and regrade 200 linear feet and establish a vegetated buffer along the existing riverbank.

With Conditions:

1. All work shall be in accordance with plans by James S. Kennedy, dated July 6, 2004, and revised through January 3, 2005, as received by the Department on February 5, 2005.
2. This permit is contingent upon the establishment of a 15 foot vegetated buffer, which shall not be mowed.
3. This permit is contingent upon the restoration of approximately 40 linear feet of stream bed.
4. No machinery shall enter the water.
5. Work shall be done during annual low flow conditions and during the months of May through September.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stabilization areas are constructed in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify in writing the NHDES Wetlands Bureau, and the Connecticut River Joint Commissions at least 7 days prior to the commencement of each phase of project construction.
8. Precautions shall be taken within riparian areas to limit removal of vegetation to provide temporary construction access.
9. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. Each phase of in-stream work shall not exceed five consecutive days in total, unless specifically authorized in writing by the Wetlands Bureau.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located outside of DES Wetland Jurisdiction; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, or turbidity controls shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the turbidity controls are fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in their use.

19. All maintenance and refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.
20. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
21. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
22. Only native plant species listed on the approved plan shall be utilized to revegetate the riverbank. DES Wetlands Bureau will consider a written request to utilize alternate native species.
23. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
25. A post-construction report documenting the status of the restored jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands Bureau within 60 days of the completion of construction of each phase.
26. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the project.
27. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial non-tidal stream or river channel or its banks.
2. On October 20, 1997, DES Wetlands approved a permit on this site for bank stabilization. This application is a resubmittal of work not completed under that permit.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 21, 2004. Field inspection determined the frontage is on the outside bend and is subject to erosive forces, the alternate bank is a low floodplain and banks on this site are high sandy bluffs.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine system.
7. The Connecticut River Joint Commissions commented that the undisturbed areas are currently the high sandy banks an increasingly rare habitat on the river, and the vegetation proposed is appropriate. However, they are also concerned with the stone size and the current mowing techniques of the property owner.
8. Condition 2 on the permit as described on the plans, limits mowing to at least 15 feet from the top of bank.
9. This property is subject to severe ice flows and ice scour as it is within the impoundment of the Wilder Dam. The stone size is appropriate to protect the bank from the daily water fluctuations and wave activity as it is stamped by a professional engineer.
10. The original approval in 1997 was for stones sized up to 36-inches.
11. The Natural Heritage Inventory indicates the federally-listed dwarf wedge mussel (*Alasmindonta heterodon*) may be in the vicinity of this proposed project. However, DES has received a letter from US Fish and Wildlife dated October 28, 2004, stating no further Biological Assessments or further consultation under Section 7 is necessary for this project.
12. There are very few mature trees on this frontage and none are proposed to be cut as part of this project.

2004-01981 CARNOUSTIE CENTRE LLC
TILTON Unnamed Wetland

Requested Action:

Dredge and fill 2.7 acres of palustrine forested wetland for access and lot development. Mitigate for impacted areas by funding a Natural Resources Inventory and Open Space Plan for the Town of Tilton and preserve approximately 55 acres, including 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer.

Conservation Commission/Staff Comments:
Please see findings for this permit.

APPROVE PERMIT:

Dredge and fill 2.7 acres of palustrine forested wetland for access and lot development. Mitigate for impacted areas by funding a Natural Resources Inventory and Open Space Plan for the Town of Tilton and preserve approximately 55 acres, including 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer.

With Conditions:

1. All work shall be in accordance with plans by TF Moran dated December 20, 2004, and revised through January 21, 2005, as received by the Department on February 4, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. This permit is contingent on approval of the NH Department of Transportation Driveway permit.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. Work shall be conducted during low water conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

20. This permit is contingent upon the applicant funding a Natural Resources Inventory and Open Space Plan for the Town of Tilton with a focus on identifying potential future conservation lands and protection of wildlife corridors within the bounds of the town.
21. The permittee shall submit to NHDES Wetlands Bureau a proposal for a preferred qualified professional who they wish to conduct Natural Resources Inventory and Open Space Plan for the Town of Tilton. NHDES Wetlands Bureau and must agree in writing to the qualifications of the designated professional.

22. A copy of the Natural Resources Inventory and Open Space Plan shall be submitted to NHDES Wetlands Bureau prior to October 1, 2005. DES Wetlands Bureau will consider a written request to extend this date if additional time is needed to complete the Inventory and Plans.
23. This permit is contingent upon the preservation of approximately 55 acres, referred to as "Buffalo Park" and identified as Tilton tax map R-17, lot 20. The conservation land area, which includes 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer, shall be conveyed to The Town of Tilton by Warrantee Deed and be under the stewardship of the Tilton Conservation Commission.
24. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to the Town of Tilton shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
25. DES Wetlands Bureau Staff shall review the restrictions of the proposed Warrantee Deed prior to recordation with the Belknap County Registry of Deeds.
26. A plan providing the boundaries of the preservation lot and a stewardship plan shall be submitted to DES Wetlands Bureau for review prior to recordation with the Belknap County Registry of Deeds.
27. A copy of the recording of the deed, stewardship plan, and preservation lot plan, from the Belknap County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
28. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to the start of construction.
29. Signs to indicate the location of and restrictions on the preservation areas shall be posted no further than every 150 feet along the boundary of the conservation areas by October 1, 2005.
30. The logging activities in the open space/preservation area shall be severely limited by the Warrantee Deed.
31. There shall be no removal of the existing vegetative undergrowth within the preservation area and clear cut logging, the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
32. Activities in contravention of the Warranty Deed shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. DES Wetland Bureau Staff conducted a pre-application site inspection on June 23, 2004. Site inspection concluded many of the wetlands on site are of marginal value and have been disturbed in the past.
3. The wetlands proposed to be impacted by this application have been previously altered by logging and/or past agricultural use.
4. Although Wetland G has the appearance of one single system. It is two distinct systems due to a hydrological break within the resource itself.
5. The applicant has provided a function and value assessment of Wetland G, illustrating that the northern(preserved), section of the wetland has higher functions and values and was less degraded over time than the southern (impacted) section of the wetland.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. The total land disturbance of the proposed project is 33.85 acres. The project consists of developing 204,000 square feet of retail space, with associated parking, access, and stormwater treatment. This use is consistent with Regional Commercial Zoning district within the Town of Tilton.
8. The geographic features and composition of the state of New Hampshire make it unlikely that a 33.85 acre project will not disturb wetlands.
9. The applicant reviewed four off site locations within 1 mile of Exit 20 off of US Route 93 for the proposed development. These sites were discarded as having a greater wetland impact; were too small in size for the proposed development; they were not appropriately zoned; or had substantial topographic constraints; or a combination of these factors.
10. The applicant has attempted to rotate the proposed Lowe's box store to face NH Rte 3, and avoid impacts to Wetland G. The lot is not wide enough to accommodate the structure and a paved access to the rear necessary for public safety.
11. The applicant has provided 10 separate layouts for the development of this lot. The approved proposal impacts the least amount of wetland and achieves the project purposes.
12. DES requested the stormwater be treated under the parking areas to reduce wetland impacts by eliminating the large storm water detention basins. This would allow the existing parking fields to be relocated into those upland areas. The applicant has provided geotechnical data illustrating that an underground stormwater treatment system is not a practical alternative to an above ground detention basin. The sediments found on site are fine and compacted and do not allow infiltration to occur at an appreciable rate.

13. The truck travel lane at the rear of the proposed Lowe's has been reduced to 45 feet to avoid wetland impacts to Wetland G.
14. The applicant has utilized retaining walls and 2:1 side slopes to reduce overall impacts to the wetlands.
15. Existing drainage patterns will remain unchanged as there will be no increase in flow from the proposed development.
16. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction to achieve project purpose per Wt 302.03.
17. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the remaining wetland ecosystem.
18. The applicant proposes to fill approximately 3 ft from the southwestern abutting property (McCarthy, Tax Map U-4, Lot 32).
19. The applicant has provided a letter of agreement from the abutter McCarthy, Tilton tax map U-4, lot 32, for impacts within 20 feet of the property line, in accordance with Administrative Rule Wt 304.04.
20. The applicant has provided mitigation in accordance with Administrative Rules Chapters Wt 300 and Wt 800. This mitigation specifically entails preservation of 55 acres of upland buffer on the "Buffalo Park" parcel, and funding of a Natural Resources Inventory and Open Space Plan for the Town of Tilton.
21. The wetlands on the preservation site are palustrine forested wetlands with associated perennial streams and are pristine in nature. These wetlands have greater functions and values than those of the wetlands lost with the construction of this project.
22. The mitigation proposal submitted to DES exceeds the mitigation compensation ratios for upland buffer preservation as required by Rule Wt 803.05, Table Wt 800-1.
23. The applicant has agreed to fund the Natural Resources Inventory and Open Space Plan as required in condition 20 of the permit.
24. The Tilton Master Plan indicates that the "Buffalo Park" mitigation parcel is highly desirable for conservation.
25. The Tilton Planning Board voted to conditionally approve the site plan on September 29, 2004.
26. The Tilton Conservation Commission has no objections to the proposed project.
27. At the Town of Tilton Public Hearing held on February 7, 2005, the Tilton Conservation Commission approved the purchase of the "Buffalo Park" (Tax Map R-17, lot 20) property is in the furtherance of the purposes of RSA36-A.

2005-00045 PEASE DEVELOPMENT AUTHORITY, DIV. OF PORTS & HARBO
PORTSMOUTH Portsmouth Harbor / Piscataqua River

Requested Action:

Perform the following construction activities associated with security upgrades at the Pease Development Authority - Division of Ports and Harbors Market Street Marine Terminal within the DES jurisdiction in the tidal buffer zone (TBZ) and tidal waters:

- a) Install 1,200 linear feet of 8-ft. high perimeter security fence in the TBZ.
- b) Construct a 10 ft. x 80 ft. concrete floating dock with a 4 ft. x 44 ft. aluminum gangway attached to the adjacent bulkhead on the east side of the existing barge wharf.
- c) Construct a 16.5 ft.wide x 153 ft.long boat launch ramp along the western side of the existing barge wharf.

Conservation Commission/Staff Comments:

No comments received from the Portsmouth Conservation Commission.

Inspection Date: 02/11/2005 by Frank D Richardson

APPROVE PERMIT:

Perform the following construction activities associated with security upgrades at the Pease Development Authority - Division of Ports and Harbors Market Street Marine Terminal within the DES jurisdiction in the tidal buffer zone (TBZ) and tidal waters:

- a) Install 1,200 linear feet of 8-ft. high perimeter security fence in the TBZ.
- b) Construct a 10 ft. x 80 ft. concrete floating dock with a 4 ft. x 44 ft. aluminum gangway attached to the adjacent bulkhead on the east side of the existing barge wharf.
- c) Construct a 16.5 ft.wide x 153 ft.long boat launch ramp along the western side of the existing barge wharf.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. as received by the Department on January 04, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work on boat launch ramp shall be done during low tide.
5. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), to: Perform the following construction activities associated with security upgrades at the Pease Development Authority - Division of Ports and Harbors Market Street Marine Terminal within the DES jurisdiction in the tidal buffer zone (TBZ) and tidal waters:
 - a) Install 1,200 linear feet of 8-ft. high perimeter security fence in the TBZ.
 - b) Construct a 10 ft. x 80 ft. concrete floating dock with a 4 ft. x 44 ft. aluminum gangway attached to the adjacent bulkhead on the east side of the existing barge wharf.
 - c) Construct a 16.5 ft. wide x 153 ft. long boat launch ramp along the western side of the existing barge wharf.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) & (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on February 11, 2005. Field inspection determined this project will not adversely affect the marine environment at this location and is in the public interest.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the estuarine ecosystem of the Piscataqua River.
7. Send to Governor and Executive Council for approval.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2002-02411 ROBERTSON, GARRY
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to include installation of permanent boatlift.

Conservation Commission/Staff Comments:

spoke w/ Town of Alton to verify all info received relating to lots 25 & 26, map 51

APPROVE AMENDMENT:

Amend permit to read: Reduce an existing 10 ft wide piling dock to final dimensions of 8 ft x 44 ft and drive 4 pilings to install a 12 ft x 14 ft boatlift on an average of 85 ft of frontage on Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revised February 23, 2005, as received by the Department on February 24, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The pier size shall be reduced prior to the installation of the pilings and lift.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any future enforcement action or revocation action against the seasonal dock at a later time.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(d), modification of a permanent docking structure providing less than 5 slips.
2. The existing adjacent 4 ft by 40 ft seasonal dock was not permitted by DES in the current configuration.

2004-01576 SLATTERY, JOSEPH & KAREN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Amend permit to change dock dimensions to two 6 ft by 30 ft piling supported docks.

Conservation Commission/Staff Comments:

Con. Com. says there is an unpermitted jet ski lift on the frontage.

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing "U" shaped crib dock, and replace with two 6 ft x 30 ft piling piers connected by a 4 ft x 12 ft walkway, in a "U" configuration, and install a seasonal personal watercraft lift on an average of 150 ft of frontage on Cow Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated February 7, 2005, as received by the Department on February 22, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Old crib material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.

10. The seasonal watercraft lift shall be removed from the lake for the duration of the non-boating season.
11. No portion of the docking facility shall be located further than 34 ft 6 in lakeward of the normal high-water line, Elev 504.32.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing docking structure that exceeds the design criteria for minimum impact project.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has submitted information to the file showing ownership of 150 ft of contiguous frontage.

2004-01975 NH DEPT OF TRANSPORTATION
GILSUM Unnamed Wetland

Requested Action:

Widen shoulder and flatten slope to allow for a four-foot pedestrian walkway and the removal of guardrail impacting 2,607 sq. ft. of palustrine wetlands and 57 linear feet of intermittent stream relocation.

Conservation Commission/Staff Comments:

River Committee regrets the loss of wetlands and realizes the project is for public safety.

APPROVE PERMIT:

Widen shoulder and flatten slope to allow for a four-foot pedestrian walkway and the removal of guardrail impacting 2,607 sq. ft. of palustrine wetlands and 57 linear feet of intermittent stream relocation. NHDOT project #13854.

With Conditions:

1. All work shall be in accordance with plans dated 6/18/04 by NHDOT Bureau of Highway Design, as received by the Department on August 20, 2004.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and

areas cleared of vegetation to be revegetated as quickly as possible.

12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

14. The impacts associated with the temporary work shall be restored immediately following construction.

15. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of intermittent stream.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The project will improve public safety by providing a shoulder for pedestrian use.

2004-02090 SALISBURY, TOWN OF
SALISBURY Howe Brook

Requested Action:

Dredge and fill 810 square feet (including 290 square feet of temporary impacts) in riverine wetlands and within the banks of Howe Brook to replace the Hensmith Road culvert.

Conservation Commission/Staff Comments:

No comments submitted from the local Conservation Commission.

APPROVE AMENDMENT:

Dredge and fill 810 square feet (including 290 square feet of temporary impacts) in riverine wetlands and within the banks of Howe Brook to replace the Hensmith Road culvert.

With Conditions:

1. All work shall be in accordance with revised plans by Quantum Construction Consulting, Inc. dated January 28, 2005, as received by the Department on February 18, 2005.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.

4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

5. There shall be no excavation or operation of construction equipment in flowing water.

6. Work shall be done during low flow conditions.

7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

9. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.

10. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

11. Temporary cofferdams shall be entirely removed immediately following construction.

12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(i), alteration or disturbance of less than 200 linear feet of a nontidal perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined the proposed project will have minimal impacts on the environment.
6. Requested changes will decrease construction time and have only minimal additional impacts.

2004-02550 BARKER, THOMAS & PATRICIA
EPSOM Northwood Lake

Requested Action:

Re-construct an existing 12 ft 4 in x 25 ft 6 in boathouse and attached gazebo in order to increase the roof height 3 ft and permanently remove the existing plumbing from the structures on Northwood Lake, Epsom.

Conservation Commission/Staff Comments:
Con. Com. did not comment on project.

APPROVE PERMIT:

Re-construct an existing 12 ft 4 in x 25 ft 6 in boathouse and attached gazebo in order to increase the roof height 3 ft and permanently remove the existing plumbing from the structures on Northwood Lake, Epsom.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design dated September 24, 2004, revision date January 25, 2005, as received by the Department on February 22, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. All plumbing shall be completely, and permanently, removed from these structures prior to any work which increases the roof height.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Reconstruction shall maintain the existing location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The roof height shall not exceed the elevations as submitted on the approved plans.
11. Work shall be done during drawdown.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing docking structure.
2. The proposed modification does not add boat slips or living space. The modifications remove existing plumbing from the structure making it more conforming to RSA 482-A:26.

2004-03077 CARROLL COUNTY YMCA INC, CAMP HUCKINS
FREEDOM Ossipee Lake

Requested Action:

Replace 132 linear ft of creosote railroad tie retaining wall with 140 linear ft granite retaining wall along 140 ft of frontage on Ossipee Lake.

Conservation Commission/Staff Comments:

no Con. Com. signature

APPROVE PERMIT:

Replace 132 linear ft of creosote railroad tie retaining wall with 140 linear ft granite retaining wall along 140 ft of frontage on Ossipee Lake.

With Conditions:

1. All work shall be in accordance with plans by Paul Savchick as received by the Department on December 27, 2004.
2. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
3. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
5. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
6. Silt fencing must be removed once the area is stabilized.
7. Work shall be done during drawdown.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. All construction related debris associated with the removal of the old wall shall be properly disposed of outside of the jurisdiction of the Wetlands Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k) projects that disturb between 50 and 200 linear feet of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03090 DANCO DEVELOPMENT CORP
BARTLETT Unnamed Wetland

Requested Action:

Dredge and fill 4470 square feet of palustrine forested wetland for access to a single family residential lot.

Conservation Commission/Staff Comments:

The Bartlett Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 4470 square feet of palustrine forested wetland for access to a single family residential lot.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated December 20 , 2004, as received by the Department on December 29, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2004-01523 GRN REALTY TRUST, GLENN NORMANDEAU TTEE
PORTSMOUTH Piscataqua River Back Channel

Requested Action:

Impact 1,820 square feet within the Tidal Buffer Zone for the demolition of two (2) deteriorated residential buildings and replace with a single, 2-unit residential building on a residential lot of 0.57 acres.

Conservation Commission/Staff Comments:

The Portsmouth Conservation Commission did not comment on the project

APPROVE PERMIT:

Impact 1,820 square feet within the Tidal Buffer Zone for the demolition of two (2) deteriorated residential buildings and replace with a single, 2-unit residential building on a residential lot of 0.57 acres.

With Conditions:

1. All work shall be in accordance with plans by Anne Whitney Architect dated January 28, 2004, as received by the Department on July 7, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction activities.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01814 OSHAUGHNESSY, DEANNA
ALTON Unnamed Wetland

Requested Action:

Restore 1061 square feet of palustrine forested wetland and retain 921 square feet of impact for access and installation of wells for a large groundwater withdrawal.

Conservation Commission/Staff Comments:

The conservation commission provided comments for the application please see the findings.

APPROVE PERMIT:

Restore 1061 square feet of palustrine forested wetland and retain 921 square feet of impact for access and installation of wells for a

large groundwater withdrawal.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated August 1, 2004, and revised through August 12, 2004, as received by the Department on October 8, 2004.
2. This permit is contingent on approval of the large groundwater withdrawal by DES Water Supply Engineering Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restored areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each restoration site.
5. Wetland replication area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The wells must be installed prior to issuance of the large ground water withdrawal in order for the required tests to be performed.
4. DES conducted a site inspection on August 11, 2004. Site inspection determined the wetlands had been previously disturbed. DES also determined the disturbances could be minimized and restored to functioning wetlands.
5. The applicant has provided a restoration report which indicates the fill within the wetland areas has been removed, and temporarily stabilized.
6. The applicant has provided documentation that Production Well 2 could not be moved out of the wetland.
7. The Alton Conservation Commission questioned if there would be future impacts associated with this proposed use.
8. The applicant's agent noted that there should be no future impacts to the wetlands as part of this proposed use of the land.

2004-02118 STAR ISLAND CORP
RYE Atlantic Ocean

Requested Action:

Perform work totaling 750 sq. ft. within DES Wetlands Bureau jurisdiction in the tidal buffer zone and near shore tidal waters to install a desalination facility with required underground and aboveground pipes and intake and outfall structures on Star Island, Isles of Shoals.

Conservation Commission/Staff Comments:

No comments received from the Rye Conservation Commission.

APPROVE PERMIT:

Perform work totaling 750 sq. ft. within DES Wetlands Bureau jurisdiction in the tidal buffer zone and near shore tidal waters to install a desalination facility with required underground and aboveground pipes and intake and outfall structures on Star Island, Isles of Shoals.

With Conditions:

1. All work shall be in accordance with plans prepared by Joseph W. Watts, IV for the Star Island Corporation, dated 30 August, 2004, as received by the Department on September 02, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), to: Perform work totaling 750 sq. ft. within DES Wetlands Bureau jurisdiction in the tidal buffer zone and near shore tidal waters to install a desalination facility with required underground and aboveground pipes and intake and outfall structures on Star Island, Isles of Shoals.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

2004-02610 SAUNDERS & WESTCOTT ASSOC LLC
DOVER Unnamed Wetland

Requested Action:

Request amendment for an additional 213 sq. ft. of fill to extend headwalls at wetland impact area #1 as required by the City of Dover Engineering Division.

Conservation Commission/Staff Comments:

The Dover Conservation Commission has reviewed the project proposal, visited the site and voted ..." to endorse the wetlands dredge and fill application as presented."

APPROVE AMENDMENT:

Approve amendment for an additional 213 sq. ft. of fill to extend headwalls at wetland impact area #1 as required by the City of Dover Engineering Division on permit to:

Dredge and fill a total of 2,877 sq. ft. (amended impact) of palustrine forested/ scrub-shrub wetlands, including 55.5 linear feet of stream channel impacts for culvert installation, to construct a roadway with driveways and culvert crossings to access a 16-lot open space design residential subdivision on a 53.28 acre parcel of land of which 31.15 acres is to remain, in perpetuity, as open space.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates, PLLC dated 9-14-04, as received by the Department on November 09, 2004.
- 1a. Work approved under amendment shall be in accordance with plans by Beals Associates, PLLC (last revised 12-6-04) received December 15, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Work shall be done during low flow.
12. NH DES coastal region staff shall be notified in writing prior to commencement of work and upon its completion.

2004-02864 GRAVES, BRUCE
PORTSMOUTH Sagamore Creek

Requested Action:

Reconstruct, in-kind, an existing 8 ft. x 82 ft. commercial pier which has become deteriorated with unsafe conditions for public use.

Conservation Commission/Staff Comments:

No comments received from the Portsmouth Conservation Commission.

APPROVE PERMIT:

Reconstruct, in-kind, an existing 8 ft. x 82 ft. commercial pier which has become deteriorated with unsafe conditions for public use.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 11/26/04, as received by the Department on November 30, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. In-kind reconstruction of pier shall maintain existing size, location and configuration.
4. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

2004-02906 SHAWS SUPERMARKETS
SALEM Roadside Ditch

Requested Action:

Fill a total of 2,403 square feet (including 100 square feet of fill for the replacement of an existing culvert) for access from Rt.28 to a commercial lot.

Conservation Commission/Staff Comments:

The Salem Conservation Commission DID NOT sign the Minimum Impact Expedited Application and provided comment.

APPROVE PERMIT:

Fill a total of 2,403 square feet (including 100 square feet of fill for the replacement of an existing culvert) for access from Rt.28 to a commercial lot.

With Conditions:

1. All work shall be in accordance with following plans by Appledore Engineering Inc.:
 - a.) Site Development Plan (Sheet C-3B) dated November 5, 2004, as received by the Department on December 6, 2004;
 - b.) Site Development Plan (Sheet C-10) dated November 5, 2004 and revised December 29, 2004, as received by the Department on January 3, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow conditions.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of wet meadow.
2. A letter from the Salem Conservation Commission dated December 13, 2004, expresses the concerns of the Commission in regards to the proposed crossing stating that access could be gained from Cluff Crossing Road. In addition, the Commission is concerned with impacts relative to a proposed rail trail within the railroad corridor.
3. Per NHDOT findings from the minutes of the Commission meeting of December 1, 2004, The Department finds that the proposed crossing on Rt. 28 is the safest point of access and is necessary.
4. The Department finds the proposed impacts associated with the installation of a new culvert will not have any adverse affect or any loss of function of values to the prime wetlands located near the project site.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03084

SCHOFIELD, RICHARD

COLUMBIA Beaver Brook

Requested Action:

Dredge and fill approximately 378 square feet of riverine banks (including 250 square feet of temporary impacts for construction access)to install a bridge with abutments and fill 160 square feet of palustrine forested wetlands to install 3 of the proposed 4 culverts to provide access.

Conservation Commission/Staff Comments:

No comments from the conservation commission.

APPROVE PERMIT:

Dredge and fill approximately 378 square feet of riverine banks (including 250 square feet of temporary impacts for construction access)to install a bridge with abutments and fill 160 square feet of palustrine forested wetlands to install 3 of the proposed 4 culverts to provide access.

With Conditions:

1. All work shall be in accordance with plans by the applicant dated December 16, 2004, as received by the Department on December 27, 2004, and a letter from the applicant documenting temporary construction access, as received by the Department on February 25, 2005.
2. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
3. No fill shall be done for lot development.
4. Work shall be done during low or non flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(h), installation of a bridge.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00165 NH DEPT OF TRANSPORTATION
SUTTON Drainage Ditch

Requested Action:

Impact 537 sq. ft. of roadside drainage and forested wetland to allow rock removal adjacent to Route 89 southbound lane.

APPROVE PERMIT:

Impact 537 sq. ft. of roadside drainage and forested wetland to allow rock removal adjacent to Route 89 southbound lane. NHDOT project #14238.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 1/05 as received by the Department on January 21, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.

2005-00173 WATERMILL REALTY INVESTMENTS LLC
CLAREMONT Unnamed Wetland

Requested Action:

Fill approximately 984 square feet of palustrine emergent wetlands to provide additional parking for commercial development.

Conservation Commission/Staff Comments:

The conservation commission approves of the project.

APPROVE PERMIT:

Fill approximately 984 square feet of palustrine emergent wetlands to provide additional parking for commercial development.

With Conditions:

1. All work shall be in accordance with plans by Paton Surveys, P.L.L.C. dated December 27, 2004, as received by the Department on January 24, 2005 and erosion control plan by Schauer Environmental Consultants, L.L.C., dated February 18, 2005, as received by the Department on February 22, 2005.
2. Work shall be done during low or non flow.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00178 KEENE, CITY OF
KEENE Beaver Brook

Requested Action:

Replace exiting Concord Road Bridge (NHDOT #145/100) over Beaver Brook impacting 2,000 square feet (includes 1,100 sq ft of temporary impacts).

Conservation Commission/Staff Comments:

No comments submitted from the conservation commission.

APPROVE PERMIT:

Replace exiting Concord Road Bridge (NHDOT #145/100) over Beaver Brook impacting 2,000 square feet (includes 1,100 sq ft of temporary impacts).

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc.; Roadway Plan and Roadway Profile and Typical Sections Plan dated January 2005 and Wetlands Plan dated October 2004, as received by the Department on January 26, 2005.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. NHF&G and NHI has identified a species of concern within the vicinity of the proposed project.
3. NHF&G have determined the project will not affect the species of concern as proposed.

FORESTRY NOTIFICATION

2005-00323 NEW ENGLAND FORESTRY FOUNDATION
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New ipswich Tax map 3, Lot# 1

2005-00324 QUINN, MARY
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 222, Lot# 21 & 22

2005-00325 DRED, STATE NURSERY
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Tax Map P2, Lot# 323

2005-00326 WHITE SYLVANIA TRUST, C/O EDWARD HARDING TRUST
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R2, Lot# 20

2005-00327 SHILLABER, C. RUSSELL
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Rochester Tax Map 119, Lot# 124

2005-00342 NUBI RIVER PARTNERS
PETERBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Peterboro Tax Map U26, Lot# 8

2005-00343 HALLOWELL, CHRISTIAN
LANCASTER Unnamed Stream

COMPLETE NOTIFICATION:
Lancaster Tax Map 26, Lot# 1

2005-00344 HODGES, CHARLES
KENSINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Kennsington Tax map 7, Lot# 20-2

2005-00350 BURNS, DAVID
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R8, Lot# 34C

2005-00351 OCONNOR, THOMAS & GRACE
ALBANY Unnamed Stream

COMPLETE NOTIFICATION:
Albany Tax Map 9, Lot# 12

2005-00353 ENGELS, DAVID
SANDWICH

COMPLETE NOTIFICATION:
Sandwich Tax Map R19, Lot# 32 & 33

2005-00374 UNH, WOODLANDS OFFICE
DURHAM Unnamed Wetland

COMPLETE NOTIFICATION:
Durham Tax Map 14, Lot# UNH

2005-00375 HEAFIELD, CRAIG
NEW BOSTON Unnamed Stream

COMPLETE NOTIFICATION:
New Boston Tax Map 6, Lot# 22

2005-00376 HILL, PATRICIA
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:
Candia Tax Map 411, Lot# 37

2005-00377 PAQUETTE, ARMAND
SPOFFORD Unnamed Stream

COMPLETE NOTIFICATION:
Spofford Tax Map 6, Lot# A17

2005-00378 BARTLETT, LORRAINE
MERRIMACK Unnamed Stream

COMPLETE NOTIFICATION:
Merrimack Tax Map 7B, Lot# 14

2005-00385 DALEY, C JOSEPH
NEWFIELDS Unnamed Stream

COMPLETE NOTIFICATION:
Newfields Tax Map 214, Lot# 8.2 & 30.1

EXPEDITED MINIMUM

2003-00140 BAILAT, EDITH
CHICHESTER Unnamed Wetland

Requested Action:
Approve name change to: Zetland Homes LLC, PO Box 146, Hopkinton, NH 03229 per request received 3/4/2005.

Conservation Commission/Staff Comments:
The Chichester Conservation Commission signed this Minimum Impact Expedited permit application.

APPROVE NAME CHANGE:
Dredge and fill 1,071 square feet of forested wetland to install 23 linear feet of 18 inch diameter HDPE culvert and associated fill for vehicular access to one single family building lot in a 4-lot subdivision on 10.49 acres.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying, Inc. dated November 7, 2002, as received by the Department on March 3, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 4 of this approval.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-02815

SCANLON, EDWARD

NEWFIELDS Unnamed Wetland

Requested Action:

Approve name change to: Evergreen Estates Subdivision, Route 87, Piscassic Rd., Newfield NH.03856 per request received 2/28/05.

Inspection Date: 03/12/2004 by Christina Altimari

APPROVE NAME CHANGE:

Fill 1,000 square feet of forested wetlands for the construction of a roadway access to a twenty-four lot subdivision, and temporarily impact 1,000 square feet of forested wetlands for the installation of water and sewer lines. Project impacts total 2,000 square feet of impacts to forested wetlands.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated May 3, 2003, with revisions dated February 19, 2004, as received by the DES on February 25, 2004; and plan by Jones & Beach Engineers, Inc. dated March 30, 2004, as received by the DES on March 31, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Site Specific Program.
5. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. Appropriate siltation, erosion, turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. All temporary impacts associated with the utility installation shall be restored following the completion of work.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-01995 COLLINS, CHRISTOPHER & CHRISTINE
MEREDITH Lake Winnepesaukee**

Requested Action:

Agent for the applicant requests reconsideration of slope calculation method.

Conservation Commission/Staff Comments:

Con. Com. signed application

DENY RECONSIDERATION:

Reconsider and re-affirm denial of permit to: Construct a 254 sq ft perched beach on 145 ft of frontage on Lake Winnepesaukee, Meredith.

With Findings:

Grounds for Reconsideration

1. The agent for the applicant does not agree with the method used by the Bureau to calculate the average slope.

Findings of Fact

2. The agent for the applicant submitted cross sectional plans to the Bureau on January 19, 2005.
3. The cross sections show project would involve excavating approximately 22.5 ft landward of proposed steps. The frontage gains 5.75 ft in elevation over the 22.5 ft to be disturbed.
4. The average slope through the project area is 26%.
5. The 26% slope to be impacted exceeds the 25% threshold established for accessory structures per Rule Env-Ws 1405.05.
6. The agent for the applicant did not present any new information to the file for the purpose of reconsideration.

Rulings in Support of the Decision

7. The Bureau re-affirms the original Findings in Support of Denial.

**2004-02850 DARABANT JR, ROBERT & ELIZABETH
LACONIA Lake Winnepesaukee**

Requested Action:

Appellant requests reconsideration on the grounds the existing dock is not grandfathered and repairing the existing dock is a hazard for their frontage.

Conservation Commission/Staff Comments:

Con Com signed Expedited Application.

DENY RECONSIDERATION:

Reconsider and re-affirm the approval of the permit to: Repair an existing 6 ft 3 in by 36 ft dock supported by two 6 ft 3 in by 7 ft 8 in cribs connected to a 6 ft 2 in by 35 ft dock supported by a 6 ft 2 in by 7 ft 8 in crib and an 8 ft 5 in by 9 ft 10 in crib by a 12 ft 4 in by 6 ft walkway, accessed by a 5 ft 4 in by 59 ft 4 in walkway supported by a 5 ft 4 in by 8 ft 3 in crib, the southern dock has a 2 ft 3 in by 18 ft 8 in offset, with a 13 ft 5 in by 28 ft 1 in permanent open sided boathouse over the center slip.

With Findings:

Grounds for Reconsideration

1. The Appellant alleges the existing docking structure is not a legally existing structure.
2. The Appellant alleges the existing structure will pose a navigational hazard and safety hazard to their family members.

Findings of Fact

3. The Applicant submitted an application to the Bureau on November 29, 2004 to rebuild a permanent docking structure and permanent canopy, which were constructed prior to the effective dates of the statutes regulating construction within surface waters, with no change in size, location, or configuration on approximately 133 ft of frontage.
4. The Appellant submitted a letter to the file on November 29, 2004 requesting the dock be moved from it's current location to a new location away from the property line.
5. The Appellant called the Department on January 20, 2005, to ask the Department to require the docking structure be moved further away from the property line for the safety of his family. The Appellant also stated the docking structure was not legally existing, but had no proof to submit to the file.
6. The Department approved the repair, in kind, of the docking facility on January 31, 2005.
7. The Department received an appeal from the Appellant on February 18, 2005, stating the existing structure did not pre-exist the applicable statutes.
8. The Appellant submitted plans of the Appellants property, dated December 4, 1971 as evidence that the Applicant's docking structure did not exist in 1971.

Rulings in Support of the Decision

9. The December 4, 1971 plans do not depict the Applicant's frontage, and therefore, have no value in determining the legal status of the Applicant's docking structures
10. The existing dock is in it's original location, and was in this location when the Appellant purchased their property. There is no new risk incurred by the repair of this legally existing structure.
11. The Appellant did not submit sufficient evidence to show the Applicant's structure is not a pre-existing legal structure.

2005-00159 COLBROTH, NANCY ROBERTS
ALTON BAY Lake Winnepesaukee

Requested Action:

Repair/replace a 25 ft 6 in x 29 ft 9 in boathouse and a 16 ft x 36 ft boathouse and associated docks within Alton Bay, Lake Winnepesaukee.

APPROVE PERMIT:

Repair/replace a 25 ft 6 in x 29 ft 9 in boathouse and a 16 ft x 36 ft boathouse and associated docks within Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans submitted by Winnepesaukee Marine Construction as received by the Department on January 24, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The repair/replacement shall maintain the existing size, location and configuration of the structures with the exceptions that the center crib of the south boathouse shall be reduced from 5 ft to 3 ft in width and roof pitch shall be altered to improve structural integrity.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 12 ft 1 in 3/16.

6. All construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. Existing crib rocks shall be used for repair. No Additional Rocks.
12. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is deemed to be a minimum impact project per Administrative Rule Wt 303.04(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00161 ROGERS, GEORGE
PEMBROKE Unnamed Wetland

Requested Action:

Fill 1,950 square feet of forested wetland to install an 18-inch culvert for access to a single family residential lot on 5.68 acres.

Conservation Commission/Staff Comments:

The Pembroke Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill 1,950 square feet of forested wetland to install an 18-inch culvert for access to a single family residential lot on 5.68 acres.

With Conditions:

1. All work shall be in accordance with the Topographic and Grading Plan by T.F.Bernier, Inc. dated November 2004, as received by the Department on January 24, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00260 MILLER, JOSEPH & DEANNA
GRANTHAM Unnamed Stream

Requested Action:

Temporally impact 95 square feet of a seasonal stream to install a sewer line for a single family residence.

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Temporally impact 95 square feet of a seasonal stream to install a sewer line for a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, L.L.C. dated December 15, 2004, as received by the Department on February 7, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. No fill shall be done for lot development.
5. Work shall be done during low or non flow conditions.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Area shall be regraded to original contours following completion of work.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(ae), installation of a residential utility line with associated temporary impacts.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00313 BIENVENUE, ERNEST & CASSIE
HOOKSETT Unnamed Wetland

Requested Action:

Dredge and fill 543 square feet of wetlands to install a 28' x 18" culvert in an intermittent stream for a driveway crossing to access a single family lot.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application.

APPROVE PERMIT:

Dredge and fill 543 square feet of wetlands to install a 28' x 18" culvert in an intermittent stream for a driveway crossing to access a single family lot.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC stamped 1/17/2005, as received by the Department on 2/16/2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. No fill shall take place in Atlantic white cedar swamps.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert for vehicular access to a single family buildinglot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00332

KEENE, CITY OF

KEENE Drainage Ditch

Requested Action:

Fill approximately 1,570 square feet of a jurisdictional drainage ditch to construct a sidewalk and conduct drainage work associated with shoulder widening on North Street.

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Fill approximately 1,570 square feet of a jurisdictional drainage ditch to construct a sidewalk and conduct drainage work associated with shoulder widening on North Street.

With Conditions:

1. All work shall be in accordance with plans by TFMoran, Inc., as received by the Department on February 17, 2005.
2. Work shall be done during low or non flow conditions.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), projects located within the right-of-way of a public road, impacts less than 3,000 sq ft, has no standing water for 10 months out of the year and adds less than 3 cubic yards of material per linear foot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Construction of a sidewalk for public safety.

GOLD DREDGE

2005-00417 MANSFIELD, CANDY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc Bath ConCom

2005-00418 MANSFIELD JR, PAUL
(ALL TOWNS) Unnamed Stream

LAKES-SEASONAL DOCK NOTIF

2005-00396 US GENERATING COMPANY NEW ENGLAND INC
PITTSBURG First Connecticut Lake

COMPLETE NOTIFICATION:
Pittsburg Tax Map C7, Lot# 384 1st Conn. Lake

PERMIT BY NOTIFICATION

2005-00283 DORE, LAWRENCE & BEVERLY
PLAINFIELD Man-made Pond

Requested Action:
Maintenance dredge 2,500 square feet of an existing man-made pond.

Conservation Commission/Staff Comments:
The Plainfield Conservation Commission signed the PBN.

PBN IS COMPLETE:
Maintenance dredge 2,500 square feet of an existing man-made pond.

2005-00328 WHISPERING PINES, PHIL HOLMAN
LACONIA Lake Winipесаaukee

Requested Action:
In-kind replacement of a 4'x43' walkway, 3'x20' finger pier, and 10 piles on Paugus Bay with 506 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:
The Laconia Conservation Commission did not sign the PBN.

PBN IS COMPLETE:
In-kind replacement of a 4'x43' walkway, 3'x20' finger pier, and 10 piles on Paugus Bay with 506 linear feet of shoreline frontage.

2005-00329 KIVELA, WILLIAM
NEW IPSWICH Unnamed Wetland

Requested Action:
DES cannot permit subdivisions with the Permit By Notification process.
